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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,817	02/22/2002	Takashi Nakabayashi	033035.088	5522

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EXAMINER

NGUYEN, TUAN M

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/079,817	NAKABAYASHI ET AL.
	Examiner Tuan M Nguyen	Art Unit 2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 May 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhara et al (US patent 5,787,215).

With respect to claim 1, Kuhara et al disclose a semiconductor light emitting device (70), a monitoring light receiving element (85) provided so as to be optically coupled to said semiconductor light emitting device, a package (160) is consider as a housing containing said semiconductor light emitting device, driving element and monitor light receiving element, the package can include the driving circuit of the laser , col. 29 line 56 to col. 36 line 35, see figures 23-24 and 42.

With respect to claims 2-3, Kuhara et al show in figures 10-23 and 41-42, a first mounting member having first , second and third region, a third region and first region having a support surface, the monitor light receiving element (85) is provided on said support surface and includes a light detecting region for detecting light, a semiconductor light emitting device (70) is provided on said first region of said first mounting member, wherein said semiconductor light emitting device has a pair of end surfaces and an active layer, not col. 21 line 25 to col. 36 line 67.

With respect to claims 4-8, Kuhara et al disclose a housing (160) has a plurality of side walls, , a monitoring light receiving element (85), a substrate (162), wherein said substrate has transmission lines for transmitting modulation signals to said driving element and transmission line being connected electrically to said driving element, see figures 23-24 and 41-42.

With respect to claims 9-14, Kuhara et al disclose an optical fiber (178) having an end (180) coupled optically to said semiconductor light emitting device, and semiconductor light emitting device includes an optical integrated laser element, said optical integrated laser element including an optical modulator and a semiconductor laser (29), note col. 4 line 3 to col. 36 line 67, see figs. 6, 10-15, 23 and 41-42.

With respect to claims 15-20, Kuhara et al disclose a housing (160), a laser diode (70) includes a substrate (71) and a monitor element (85) has a substrate (86), laser diode and monitor element having the wirings (192-195) for transmitting modulation signals, a wall portion having said plurality of lead terminals (174-176), see figures 13-24.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

#### **Citation Of The Pertinent References**

3. The prior art made of record and not relied upon us considered pertinent to applicant's disclose.

The patent to Nakanishi et al (US patent 6,603,782) discloses LD/PD module.

The patent to Whitney et al (US patent 6,459,710) discloses reflector for directing front facet light to monitor diode.

The patent to Nakanishi et al (US patent 6,374,021) discloses light transmitting/receiving module.

The patent to Aoki (US patent 5,845.031) discloses optical module having an improved heat dissipation and reduced mechanical distortion.

The patent to Watanabe et al (US patent 5,526,160) discloses optical transmitter and receiver device with a single optical module.

#### *Communication Information*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan M Nguyen whose telephone number is (703) 306-0247. The examiner can normally be reached on 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

*Paul Ip*  
Paul Ip  
SPE  
Art unit 2828